

REMARKS

The instant amendment is presented to reduce the number of issues on appeal.

In the office action mailed April 23, 2002, claim 54 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. By the present amendment, claim 54 has been cancelled. This effectively moots the rejection under 35 U.S.C. 112, second paragraph, and thus reduces the issues on appeal.

Since claim 55 depended from claim 54, its dependency had to be changed. By the present amendment, the dependency of claim 55 changes from claim 54 to claim 28. No substantive change has been made to claim 55 which would require the Examiner to conduct any further search. The Examiner has already searched the subject matter of claim 55. The amendment also does not raise any new issue which would require further consideration and does not raise any issue of new matter. A marked up copy of claim 55 showing the foregoing amendment is attached hereto.

The Examiner is hereby requested to enter the instant amendment.

An Appeal Brief is being filed contemporaneously herewith.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is

hereby invited to contact Appellant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this amendment. Should the Commissioner determine that a fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted

DIRK SELDELACHTS

By Barry L. Kelmachter
Barry L. Kelmachter
Reg. No. 29,999

ATTORNEY FOR APPELLANT

Bachman & LaPointe, P.C.
900 Chapel Street
Suite 1201
New Haven, CT 06510

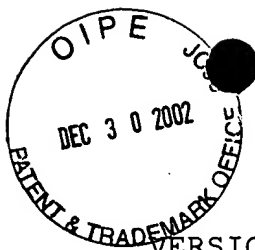
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: December 23, 2002

I hereby certify that this correspondence is being
mailed with the United States Postal Service as first
class mail in an envelope addressed to Commissioner
of Patents and Trademarks, Washington, D.C. 20531

December 23, 2002

Antoinette Sullo
Trial and Reg. Exp. of Attorney
Antoinette Sullo
Signature
12-23-02
Date of Signature



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 55 has been amended as follows:

55. (Amended) Device according to claim [54] 28, wherein said filler bodies are rings having a diameter of at least 3 to 4 cm.

RECEIVED
JAN 02 2003
TC 1700